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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON

6 UNITED STATES OF AMERICA,
7 Plaintiff/Respondent,
8 v.
9 VALENTINA CAMACHO VALENCIA,
10 Defendant/Petitioner.

CASE NO. 13-CR-6029-EFS
(No. 4:17-CV-5125-EFS)

ORDER DENYING PETITIONER'S
SUCCESSIVE 28 U.S.C. § 2255
MOTION FOR FAILURE TO COMPLY WITH
§ 2255(h) AND CLOSING FILE

12 Before the Court is Petitioner Valentina Camacho Valencia's
13 "Habeas Corpus Pursuant to Article 1, Section 9, Clause 2 and 28
14 U.S.C. § 2255 of the United States Constitution, 1789." ECF No. 95.
15 The Court construes this motion as a motion to vacate or set aside
16 sentence under 28 U.S.C. § 2255.

17 Ms. Valencia asks the Court to release her from custody because
18 she "has discovered new evidence that, if proven and viewd [sic] in
19 light of the evidence as a whole that no reasonable factfinder would
20 vote against her." ECF No. 95 at 2. Among other things, Ms. Valencia
21 argues that "[a]t the time of Affiant guilty plea and sentence, she
22 discovered that she was tricked into signing an Unconscionable
23 Contract; The Respondents never disclosed who the REAL PARTY in
24 INTEREST was; Nor did they produce any legal Contract between the two
25 parties herein." ECF No. 95 at 2.

1 Ms. Valencia previously filed a § 2255 motion on August 1, 2016.
2 ECF No. 93. The Court denied that motion on August 25, 2016. ECF
3 No. 94. Section 2255(h) states:

4 A second or successive motion must be certified as provided
5 in section 2244 by a panel of the appropriate court of
appeals to contain-

- 6 (1) newly discovered evidence that, if proven and viewed in
light of the evidence as a whole, would be sufficient
7 to establish by clear and convincing evidence that no
reasonable fact finder would have found the movant
guilty of the offense; or
8 (2) a new rule of constitutional law, made retroactive to
cases on collateral review by the Supreme Court, that
9 was previously unavailable.

10 28 U.S.C. § 2255(h); *see also* Rules Governing Section 2255 Proceedings
11 in the United States District Courts, Rule 9 – Second or Successive
12 Motions ("Before presenting a second or successive motion, the moving
13 party must obtain an order from the appropriate court of appeals
14 authorizing the district court to consider the motion").
15 Because Ms. Valencia has not provided documentation that she obtained
16 a § 2255(h) certificate from the Ninth Circuit before filing this
17 successive § 2255 motion, the Court denies the motion.

18 To the extent Ms. Valencia may be attempting to bring a habeas
19 petition under 28 U.S.C. § 2241, the Court also denies that petition.
20 Ms. Valencia is currently serving her sentence at the BOP
21 facility in Aliceville, Alabama. When an inmate argues that he
22 is in custody in violation of the Constitution or law, she must
23 name her custodian as respondent and bring the petition in a
24 federal district court with jurisdiction over her custodian. 28
25 U.S.C. § 2241; *Doganiere v. United States*, 914 F.2d 165, 169-70
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(holding that § 2241 petition must be addressed to district court having jurisdiction over custodian of the defendant). Accordingly, if Ms. Valencia would like to bring a § 2241 petition, she must file the petition in the Northern District of Alabama, the district of her confinement.

Accordingly, IT IS HEREBY ORDERED:

1. Mr. Valencia's "Habeas Corpus Pursuant to Article 1, Section 9, Clause 2 and 28 U.S.C. § 2255 of the United States Constitution, 1789," **ECF No. 95**, is **DENIED**.
 2. The Court **DECLINES** to issue a certificate of appealability because this was Ms. Valencia's second § 2255 motion and she did not previously obtain certification from the Ninth Circuit to file the second § 2255 motion. See 28 U.S.C. § 2253(c)(2).
 3. The Clerk's Office is directed to **CLOSE** this file and the related civil file, 4:17-CV-5125-EFS.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to Ms. Valencia, counsel, and the Ninth Circuit.

DATED this 23rd day of August 2017.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge